

REMARKS

Applicants respectfully request reconsideration of this application in view of the amendments made above and the remarks contained herein.

I. STATUS OF CLAIMS

Upon entry of this amendment, claims 1, 3, 4, 6, 7 and 13-21 will be pending in this application. Claims 2, 5, and 8-12 have been canceled without prejudice to, or disclaimer of, their subject matter.

No new matter has been added.

II. PROVISIONAL OBVIOUSNESS DOUBLE PATENTING REJECTION

At paragraph 4 of the Office action, the Examiner has provisionally rejected claims 8-11 on the grounds of nonstatutory obviousness-type double patenting over claims 15-17, 19-21, and 27 of copending application Serial No. 11/267,833.

Applicants respectfully traverse this rejection for the reasons given below.

For the Examiner's rejection to be proper, the Examiner must establish a prima facie case of obviousness of the rejected claims over the cited claims of the copending application. In other words, the Examiner must show that every element recited in Applicants' claims are disclosed or rendered obvious from the elements that are recited in the claims of the copending application.

Nowhere does the Examiner explain where in claims 15-17, 19-21, or 27 of the copending application there is recited a structure that corresponds to or makes obvious the adjustment stop disposed in the upper part of the longitudinal vessel at or adjacent to the first end thereof. In fact, no such element is recited in these claims of the copending application, so that the copending application cannot form the basis

for a sound rejection for obviousness-type double patenting. For at least this reason, this rejection should be withdrawn.

III. OBVIOUSNESS REJECTIONS

A. Claims 1, 6, 8-10, and 12 over Noreus et al. in view of Prough et al.

In paragraph 6 of the Office action, the Examiner has rejected claims 1, 6, 8-10, and 12 as obvious under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,592,804 (Noreus et al.) in view of U.S. Patent No. 5,547,546 (Prough et al.).

Applicants respectfully traverse this rejection for the reasons given below.

With respect to claims 1 and 6, the Examiner has not explained where, in either Noreus et al. or Prough et al., there is disclosure of the sealing of a gas space above the surface of a composed bed of heated lignocellulose material in a horizontal gas removal section. As disclosed by Applicants:

At the first end of the gas removal section, on the upper part thereof, there is an adjustment stop 16 defining the height and form of the upper surface 22 of the material bed fed to the gas removal section. By adjusting the position and form of the adjustment stop 16 the height and form of the upper edge 22 of the material bed can be adjusted. The adjustment stop 16 is gas-tight and seals the gas space 17 of the gas removal section so, that the pressure therein can be higher than in the heating section.

U.S. Patent Application Publication No. 2006/0272786, paragraph [0021]. This feature is not taught or suggested in either of the references cited by the Examiner. Accordingly, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of claim 1. Moreover, since claim 6 depends from claim 1, it also is not obvious over the cited references.

With respect to claims 8-10 and 12, these claims have been canceled. Applicants respectfully submit that the Examiner's rejection is inapplicable to new claims 13-21 because neither of the cited references disclose an adjustment stop

disposed in an upper part of the longitudinal vessel at or adjacent to the first end thereof, as recited in claim 13. Moreover, since claims 14-21 depend from claim 13, these are also not made obvious by the cited combination of references.

B. Claims 2-5 and 7 over Noreus et al. and Prough et al., further in view of Malkov

In paragraph 7 of the Office action dated June 26, 2008, the Examiner has rejected claims 2-5 and 7 under 35 U.S.C. § 103(a) over Noreus et al. and Prough et al., and further in view of Malkov, "Studies on Liquid Penetration into Softwood Chips -- Experiments, Models and Applications." Applicants respectfully traverse this rejection for the reasons given below.

Applicants note that the rejected claims are dependent from claim 1, and therefore include all of the elements recited therein. Applicants respectfully submit that Malkov does not cure the deficiencies of Noreus et al. and Prough et al. with respect to the sealing of a gas space described above with respect to claim 1. Accordingly, even if the teachings of Malkov was combined with those of Noreus et al. and Prough et al. in the manner that the Examiner has suggested, the claimed process would not be obtained. As a result, Applicants submit that, for at least this reason, the Examiner has failed to establish a *prima facie* case of obviousness, and that this rejection should be withdrawn.

C. Claim 11 over Noreus et al. and Prough et al., further in view of Jonkka

In paragraph 8 of the Office action dated June 26, 2008, the Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as obvious over Noreus et al. and Prough et al., and further in view of U.S. Patent No. 5,063,981 (Jonkka). Applicants respectfully traverse this rejection for the reasons below.

Applicants respectfully submit that this rejection should not be applicable to new claims 13-21 because Jonkka does not cure the deficiencies of Noreus et al. and Prough et al. described above with respect to claim 13. Accordingly, the Examiner has failed to establish a prima facie case of obviousness, and this rejection should be withdrawn.

Conclusion

For at least the reasons stated above, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and objections, and to allow the present application.


In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:



Bruce D. Gray
Registration No. 35,799

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620